

# **Exhibit A**

## The Honorable Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

BRUCE CORKER d/b/a RANCHO ALOHA;  
COLEHOUR BONDERA and MELANIE  
BONDERA, husband and wife d/b/a  
KANALANI OHANA FARM; and ROBERT  
SMITH and CECELIA SMITH, husband and  
wife d/b/a SMITHFARMS, on behalf of  
themselves and others similarly situated,

### **Plaintiffs,**

V.

COSTCO WHOLESALE CORPORATION, a Washington corporation; AMAZON.COM, INC., a Delaware corporation; HAWAIIAN ISLES KONA COFFEE, LTD., LLC, a Hawaiian limited liability company; COST PLUS/WORLD MARKET, a subsidiary of BED BATH & BEYOND, a New York corporation; BCC ASSETS, LLC d/b/a BOYER'S COFFEE COMPANY, INC., a Colorado corporation; L&K COFFEE CO. LLC, a Michigan limited liability company; MULVADI CORPORATION, a Hawaii corporation; COPPER MOON COFFEE, LLC, an Indiana limited liability company; GOLD COFFEE ROASTERS, INC., a Delaware corporation; CAMERON'S COFFEE AND DISTRIBUTION COMPANY, a Minnesota corporation; PACIFIC COFFEE, INC., a Hawaii corporation; THE KROGER CO., an Ohio corporation; WALMART INC., a Delaware corporation; BED BATH & BEYOND INC., a New York corporation; ALBERTSONS COMPANIES INC., a Delaware Corporation; SAFEWAY INC., a Delaware Corporation; MNS LTD., a Hawaii

CIVIL ACTION NO. 2:19-cv-00290

**NOTICE OF DEPOSITION OF COSTCO  
WHOLESALE CORPORATION UNDER  
FEDERAL RULE OF CIVIL  
PROCEDURE 30(b)(6)**

**NOTICE OF DEPOSITION OF COSTCO WHOLESALE  
CORPORATION UNDER FEDERAL RULE OF CIVIL  
PROCEDURE 30(b)(6) - 1**  
(Civil Action No. 2:19-cv-00290-RSL)

**KARR TUTTLE CAMPBELL**  
701 Fifth Avenue, Suite 3300  
Seattle, Washington 98104  
Main: (206) 223 1313  
Fax: (206) 682 7100

1 Corporation; THE TJX COMPANIES d/b/a T.J.  
2 MAXX, a Delaware Corporation;  
3 MARSHALLS OF MA, INC. d/b/a  
4 MARSHALLS, a Massachusetts corporation;  
5 SPROUTS FARMERS MARKET, INC. a  
Delaware corporation;

Defendants.

TO: **COSTCO WHOLESALE CORPORATION**

AND TO: **ALL PARTIES AND THEIR COUNSEL OF RECORD**

YOU ARE HEREBY NOTIFIED that Plaintiffs will take the deposition of Defendant  
Costco Wholesale Corporation (“Costco”) at the time and place stated below:

WITNESS: Costco Wholesale Corporation

DATE: Monday, August 3, 2020

TIME: 9:30 a.m. (PST)

LOCATION: The deposition will occur remotely, using a secure web-based deposition option offered by a court reporting service that will provide remote access for those parties wishing to participate in the deposition by video or telephone. The deposition will be recorded via video and stenographic means. The oath will be administered to the deponent(s) remotely. The deposition will be conducted using a paperless exhibit display process provided by the court reporting service.

PLEASE TAKE FURTHER NOTICE, that said person to be examined is required to produce at such examination any and all documents and records examined by the witness in preparation for deposition and/or referenced to and/or relied upon in said person's deposition.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Costco is hereby required to designate one or more officers, directors, managing agents, or other persons who consent to testify on Costco's behalf regarding the matters listed in Exhibit A attached hereto.

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**NOTICE OF DEPOSITION OF COSTCO WHOLESALE  
CORPORATION UNDER FEDERAL RULE OF CIVIL  
PROCEDURE 30(b)(6) - 2**  
(Civil Action No. 2:19-cv-00290-RSL)

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DATED this 23rd day of June, 2020.

## KARR TUTTLE CAMPBELL, P.S.

/s/ Nathan T. Paine

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## LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

/s/ Daniel E. Seltz

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*Attorneys for the Plaintiffs and the Proposed Class*

**NOTICE OF DEPOSITION OF COSTCO WHOLESALE  
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PROCEDURE 30(b)(6) - 3**  
(Civil Action No. 2:19-cv-00290-RSL)

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## EXHIBIT A

## Definitions

All capitalized terms have the meanings given them in the Definitions section of Plaintiffs' previously served Interrogatories and Requests for Production of Documents to Defendants. To avoid ambiguity, please note: (1) the singular form of a noun or pronoun includes its plural form, and vice versa. The use of any masculine or feminine pronoun includes both the feminine and the masculine; (2) The use of a verb tense in any tense is to be construed as the use of the verb in all other tenses, whenever necessary to bring into scope of the Topic any information that might otherwise be construed to fall outside the scope; (3) "And" and "or" are terms of inclusion, not exclusion. They shall be construed either disjunctively or conjunctively as necessary to bring within scope any Topic that might otherwise be construed to be outside its scope; and (4) undefined words have the same meaning as they have in Merriam-Webster's online dictionary, available at <https://www.merriam-webster.com/>.

## Topics

1. Costco's supply chain for coffee that it markets, sells, or distributes with a Kona Label. For example, this Topic includes the volumes of coffee that Costco purchases each month, the cost of such coffee, the country and region from which Costco purchases such coffee, the Identity of the persons or entities from whom coffee is purchased, the agreements and contracts entered into with the persons or entities from whom coffee is purchased, the process of selecting the persons or entities from whom coffee is purchased and any related contract negotiations, and the percentage of coffee from any particular country and region that is used in coffee marketed, sold, or distributed with a Kona Label.
  2. Costco's sale and distribution of coffee with a Kona Label. For example, this Topic

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1 includes processes employed for sales and distribution, the volumes of coffee with a Kona Label  
 2 that Costco sells or distributes each month, the revenue that Costco makes from such sales or  
 3 distribution, the profit that Costco makes from such sales or distribution, the Identity of the persons  
 4 or entities to whom coffee is sold, and the percentage of coffee originating in any particular country  
 5 and region that is sold or distributed with a Kona Label.  
 6

7       3. Costco's advertising and marketing of coffee with a Kona Label. For example, this Topic  
 8 includes Costco's expenditures on advertising and marketing, the content of such advertising and  
 9 marketing, the geographic locations in which Costco's advertising and marketing uses the word  
 10 "Kona," the marketing and advertising channels in which Costco uses the word "Kona," and  
 11 Costco's decision to use the word "Kona" in advertising and marketing.

12       4. Costco's processes for knowing and tracking the contents of coffee sold or distributed with  
 13 a Kona Label, including its recall plan(s), supply chain program(s), inventory cycle(s), EIN  
 14 designations, and SKU data.

16       5. Costco's answers and responses to Plaintiffs' Interrogatories and Requests for Production.

17       6. Costco's document retention policies and efforts to preserve, search for, and produce  
 18 documents requested in discovery in this litigation.

19       7. Costco's fraud detection policies and procedures which it uses to prevent the selling of  
 20 counterfeit products through Costco stores.

22       8. The Identity and responsibilities of any employees, shareholders, board members, owners,  
 23 contractors, or other agents who perform functions related to Costco's purchase, sale, or  
 24 distribution of coffee with a Kona Label.

25       9. Customer feedback regarding "Kona" labeled products sold by or through Costco,  
 26 including any complaints related to the geographic origin of coffee.

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**CERTIFICATE OF SERVICE**

I, Christopher L. Dickie, affirm and state that I am employed by Karr Tuttle Campbell, P.S. in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Avenue, Suite 3300, Seattle, WA 98104. On this day, I caused the foregoing to be served on the parties by e-mail.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Dated this 23rd day of April 2020, at Seattle, Washington.

## KARR TUTTLE CAMPBELL, P.S.

By: /s/ Christopher L. Dickie  
Christopher L. Dickie, Paralegal

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PROCEDURE 30(b)(6) - 6**  
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